

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 978 OF 2007

Ali Nawaz Lokhandwala ..Petitioner

Vs.

The State of Maharashtra ..Respondent

Mr. J.G. Bhanushali for petitioner.

Mr. D.R. More, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : October 22, 2007.

P.C.:

1. Heard the learned counsel for the petitioner. Mr. More the learned APP has placed on record the affidavit of Shri Suresh D. Pawar, Police Inspector attached to Traffic Tombay Division, Mumbai and he is the I.O. in C.R. No. I 325/2005.

2. It appears that there is no objection in returning the PAN Card to the petitioner. However, the I.O. has opposed the return of the Air Tickets and has submitted that they are required in the trial of the case as allegedly about 7 travellers have been duped by extracting a huge sum of Rs.21,00,000/- per passenger.

3. It is directed that the PAN Card of the petitioner be returned to the petitioner on his normal undertaking to submit the same as and when required by the trial court. So far as the Air Tickets are concerned, the petitioner is at liberty to re-apply to the trial court by furnishing an undertaking that on surrender of the original tickets by retaining a photostat copy with photographs with the trial court, he will deposit the encashed amount with the trial court. If the tickets are encashed, the respective amount shall be deposited with the trial court and it is for the trial court to verify whether the tickets would be encashable or not and ascertain from the concerned Airlines and at the same time along with such an application the petitioner-accused will furnish an undertaking that he will not demand for the original Air Tickets during the trial of the case and the photostat copy retained will be treated as evidence.

4. Petition is disposed off in terms of the above directions.

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(B.H. Marlapalle, J.)